

SEP 30 2003

113 13,8/95
APPLICATION NO. 10 059,273
NEW ATTORNEY DOCKET NO. 268422000100
OLD ATTORNEY DOCKET NO. 38604.0003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Denes V. Agoston

Application Number: 10/059,273

Filed: January 31, 2002

For: **METHODS AND COMPOSITIONS FOR PRODUCING NEURAL
PROGENITOR CELLS**

)
)
) Group Art Unit: To Be Assigned
)

) Examiner: To Be Assigned
)
)

**REQUEST FOR EXTENSION OF TIME AND
RESPONSE TO NOTICE TO FILE MISSING PARTS**

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

REQUEST FOR FIVE MONTH EXTENSION OF TIME

Applicant respectfully requests a five month extension of time to respond to the Notice to File Missing Parts of NonProvisional Application, dated October 4, 2002, to extend the period of time for filing this response up to and including May 4, 2003. **Please charge the requisite five-month, small entity extension fee of \$985.00 to Deposit Account No. 03-1952.**

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

In response to the attached copy of the Notice to File Missing Parts of Nonprovisional Application dated October 4, 2002, Applicant submits herewith an executed Declaration and Power of Attorney form. Submission of Sequence Listing, paper copy and computer readable copy (CD-R) of Sequence Listing in ASCII format under 37 C.F.R. § 1.52(e), Petition for Extension of Time (five months), and filing fees for filing in the above-captioned application.

The filing fees for a small entity are calculated as follows:

| | |
|--|--------------|
| Basic Filing Fee | \$ 375.00 |
| Additional Claims (13 x \$9) | 117.00 |
| Additional Independent Claims (3 x \$42) | 126.00 |
| Late Filing Surcharge | <u>65.00</u> |

TOTAL AMOUNT DUE \$ 683.00

The Commissioner is hereby authorized to charge \$683.00 to cover the filing fees and surcharge for late filing, pursuant to 37 C.F.R. § 1.16(e) to the undersigned's Deposit Account No. 03-1952. In the event any variance exists between the amount authorized and the Patent Office fees, please charge or credit any difference to the undersigned's Deposit Account No. 03-1952.

If there are any additional fees due with the filing of this Response to the Notice, please charge any and all such fees to the undersigned's Deposit Account No. 03-1952.

Respectfully submitted,

MORRISON & FOERSTER LLP

Date: April 30, 2003

By:

James Remenick

Registration No. 36.902

Enclosed: Transmittal Letter with CD-R

Customer No. 25227

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25227

PATENT TRADEMARK OFFICE

APR 30 2003
 UNITED STATES
 PATENT AND
 TRADEMARK OFFICE

Commissioner for Patents
 Washington, DC 20231
 www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/059,273 | 01/31/2002 | Denes V. Agoston | 38604 0003 |

CONFIRMATION NO. 5376

30082
 HELLER EHRMAN WHITE & MCAULIFFE LLP
 SUITE 300
 101 ORCHARD RIDGE DR.
 GAITHERSBURG, MD 20878-1917

FORMALITIES LETTER



OC000000008907463

Date Mailed: 10/04/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

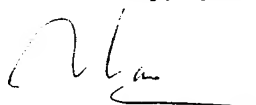
- Additional claim fees of **\$243** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$678** for a Small Entity

- **\$370** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$243**
 - **\$117** for **13** total claims over 20 .
 - **\$126** for **3** independent claims over 3 .

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE